IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-50786

U.S. COURT OF APPEALS
FILED
APRIL 26, 2002
CHARLES R. FULBRUGE
III, CLERK

JOSE MELENDREZ, JR.,

Plaintiff - Appellant

v.

Francis E. Seib, Drug Enforcement Administration, head DEA agent in charge in Eagle Pass, Texas, in his official capacity; Moses Pena, Drug Enforcement Administration, DEA Agent in Eagle Pass, Texas, in his official capacity; Larry Leon, Drug Enforcement Administration, former DEA Agent in Eagle Pass, Texas, not a DEA Agent in San Antonio, Texas, in his official capacity; Tony Quintanilla, former County Investigator of Zapata County, now a US Border Patrol Agent in Fort Hancock, Texas, ih his official capacity; Arnoldo Ramos, Sergeant/Investigative Department of Public Safety in Del Rio, Texas, in his official capacity; UNITED STATES OF AMERICA

Defendants - Appellees

Appeal from the United States District Court for the
Western District of Texas, Del Rio

ON PETITION FOR REHEARING EN BANC

(Opinion 2/20/02 5 Cir.,_____,_____F.3d_____)

Before KING, Chief Judge, and JOLLY and DeMOSS, Circuit Judges.

PER CURIAM:

(X) Treating the Petition for rehearing En Banc as a Petition for Panel Rehearing, the Petition for Panel Rehearing is DENIED. No member of the panel nor judge in regular active service of the court having requested that the court be polled on Rehearing En Banc (Fed.R.App.P. and 5th Cir. R. 35), the Petition for Rehearing En Banc is DENIED.

( ) Treating the Petition for Rehearing En Banc as a Petition for Panel Rehearing, the petition for Panel Rehearing is DENIED. The court having been polled at the request of one of the members of the court and a majority of the judges who are in regular active service not having voted in favor (Fed.R.App.R. and 5th Cir. R. 35), the Petition for Rehearing En Banc is Denied.

ENTERED FOR THE COURT:

NOT LEGIBLE
UNITED STATES CIRCUIT JUDGE